

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 07-20999-CR-LENARD
Magistrate Judge Edwin G. Torres**

UNITED STATES OF AMERICA

vs.

**MOISES MAIONICA,
Defendant.**

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FACTUAL BASIS FOR THE PLEA OF DEFENDANT MOISES MAIONICA

At all times material to the Indictment, the Government of the Bolivarian Republic of Venezuela was a foreign government, in which Executive Power vested in the President. Dirección de los Servicios de Inteligencia y Prevención (DISIP) was a department of Venezuela, known as the Intelligence and Preventive Services Directorate of the Bolivarian Republic of Venezuela. Petróleos de Venezuela S. A. (PDVSA) was an energy corporation owned and operated by the Venezuelan government. Venezuela maintained a Consulate in Miami, Florida which was headed by a Consul General.

The defendant, Moises Maionica, was born and resides in Venezuela. At no time material to the Indictment were defendants Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann: (a) duly accredited diplomatic or consular officers of a foreign government, recognized by the United States Department of State; (b) officially and publicly acknowledged and sponsored officials or representatives of a foreign government; or (c) officially and publicly acknowledged and sponsored members of the staff of, or employees of, any such officer, official, or representative of a foreign government. Furthermore, defendants Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, Franklin

Duran, and Carlos Kauffmann never notified the Attorney General of the United States that they, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, Franklin Duran, and Carlos Kauffmann would be and were knowingly acting in the United States as agents of a foreign government, specifically, the government of Venezuela.

This conspiracy began as a result of a seizure of cash at Aeroparque Jorge Newbery in Buenos Aires, Argentina. On August 4, 2007, a privately chartered aircraft landed at Aeroparque Jorge Newbery in Buenos Aires, Argentina. The aircraft had previously departed from Caracas Maiquetía International Airport in Venezuela, carrying eight passengers on board, including, among others, Guido Alejandro Antonini Wilson and several PDVSA officials. During a search, conducted by the Argentine Customs Service, of luggage belonging to the passengers and offloaded from the aircraft, approximately \$800,000 in United States currency, was discovered and confiscated by the Argentine Customs Service. The money was found in a suitcase being carried by Guido Alejandro Antonini Wilson. Mr. Antonini was carrying the suitcase at the request of one of the other passengers. Mr. Antonini was unaware that the \$800,000 was in the suitcase, as the suitcase belonged to one of the other passengers. Antonini had been invited to accompany the seven other passengers on their trip to Buenos Aires, Argentina only a few hours prior to the departure of the aircraft from Caracas Maiquetía International Airport in Venezuela.

It was the objective of the conspiracy that the defendants, Moises Maionica, Antonio Jose Canchica Gomez, Rodolfo Wanseele Paciello, Franklin Duran, Carlos Kauffmann, and the other participants obtain the assistance of Antonini in concealing the source and destination of, and the role of the government of Venezuela in, the attempted delivery of approximately \$800,000 that was confiscated on or about August 4, 2007 at Aeroparque Jorge Newbery in Buenos Aires, Argentina.

It was a further part of the objective of the conspiracy that the defendants and the other participants perpetuate and conceal the existence of the conspiracy.

In August, 2007, Moises Maionica was brought into this conspiracy by a high level official of DISIP. On August 23, 2007, Moises Maionica, Franklin Duran, Carlos Kauffmann, and another individual, met with Antonini at Jackson's Steakhouse in Ft. Lauderdale, Florida. Unbeknownst to the conspirators, Antonini was wearing recording equipment provided by the FBI. Special Agents of the FBI also conducted surveillance of the meeting. During the meeting, Franklin Duran advised Antonini that he (DURAN) had spoken with a high level official of DISIP and a high level official of the Justice Ministry of Venezuela concerning the confiscated funds. During the meeting, Franklin Duran told Antonini that foreign government authorities would pursue Antonini, if Antonini said that the seized funds did not belong to him (Antonini). During the meeting, CARLOS KAUFFMANN told Antonini that it was not in Venezuela's best interest for Antonini to have any "problems" in Venezuela. During the meeting, MOISES MAIONICA further advised Antonini that PDVSA would pay for all the expenses and financial penalties that Antonini might incur as a result of the seizure of the \$800,000.

On August 27, 2007, Moises Maionica, Franklin Duran, and another individual met with Antonini at Jackson's Steakhouse in Ft. Lauderdale, Florida. At this meeting, Franklin Duran advised Antonini, in substance, of the consequences of the disclosure of the intended destination of the seized cash. During the meeting, FRANKLIN DURAN identified to Antonini the individual who had taken the seized cash on board the aircraft as the assistant to a high level official of PDVSA.

On October 4, 2007, MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that an emissary was being sent to Antonini and that Antonini was to personally tell the emissary what Antonini required in order to participate in the conspiracy. During that phone

conversation, MOISES MAIONICA further advised that the emissary's travel plans were confidential.

On October 27, 2007, at approximately 11:15 a. m., MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that the emissary was going to travel on Sunday and that the name of MOISES MAIONICA's and Antonini's common friend (Christian) would be the code name by which Antonini would recognize the emissary.

On October 27, 2007, at approximately 11:49 a. m., MOISES MAIONICA spoke on the telephone with Antonini and advised Antonini that the emissary's mission would take no more than five minutes.

On October 27, 2007, at approximately 12:28 p. m., MOISES MAIONICA spoke on the telephone with Antonini and instructed Antonini that the emissary would approach Antonini, that the emissary and Antonini were then to move several meters away from their initial contact point, and only then, talk to each other.

On October 27, 2007, ANTONIO JOSE CANCHICA GOMEZ entered the United States at Miami International Airport. On October 28, 2007, RODOLFO WANSEELE PACIELLO drove ANTONIO JOSE CANCHICA GOMEZ to a meeting with Antonini at Starbucks Coffee Company in Plantation, Florida.

During the meeting, ANTONIO JOSE CANCHICA GOMEZ acknowledged the code word, "Christian," and informed Antonini that Antonini was required to guarantee that he was going to work with the attorneys, and, specifically, that Antonini sign a power of attorney. During the meeting, ANTONIO JOSE CANCHICA GOMEZ further assured Antonini that Antonini would be skillfully and discretely helped. ANTONIO JOSE CANCHICA GOMEZ further advised Antonini that he (CANCHICA) was the last link in the chain and that his (CANCHICA'S) mission was to

verify matters.

On October 28, 2007, while the meeting was going on inside Starbucks, RODOLFO WANSEELE PACIELLO conducted counter-surveillance to ensure that ANTONIO JOSE CANCHICA GOMEZ was not under surveillance. After the conclusion of the meeting at Starbucks, RODOLFO WANSEELE PACIELLO drove ANTONIO JOSE CANCHICA GOMEZ from the meeting. During the drive from the meeting, RODOLFO WANSEELE PACIELLO drove approximately 43 miles, in a circuitous route, making numerous last minute lane changes and turns before arriving at the Hard Rock Casino and Hotel, a distance of approximately 7 miles from Starbucks. During the drive from the meeting, RODOLFO WANSEELE PACIELLO drove at a speed of 35-40 miles per hour on the Florida Turnpike. On October 31, 2007, ANTONIO JOSE CANCHICA GOMEZ boarded an aircraft and departed from Miami International Airport.

On November 6, 2007, MOISES MAIONICA informed Antonini that a high level official of DISIP, using the name "Arvelo," would be calling Antonini. On November 6, 2007, at approximately 4:16 p. m., an individual who identified himself as "Arvelo" spoke on the telephone with Antonini and advised Antonini that the young man (ANTONIO JOSE CANCHICA GOMEZ) who traveled to Miami had advised him of Antonini's concerns and that Antonini's concerns were being addressed. On November 6, 2007, at approximately 6:02 p. m., MOISES MAIONICA spoke on the telephone with Antonini and informed Antonini of the true identity of the high level official of DISIP who, earlier that day, called and spoke with Antonini on the telephone and identified himself as "Arvelo."

On November 18, 2007, the DISIP official who previously identified himself as "Arvelo" informed Antonini, via telephone, that MOISES MAIONICA would advise Antonini of the strategy to deal with the cover-up when MAIONICA arrived in Miami.

On November 30, 2007, MOISES MAIONICA met with Antonini at Bravo Restaurant in Ft. Lauderdale, Florida. During the meeting, MOISES MAIONICA confirmed to Antonini that he (MAIONICA) became involved in the conspiracy at the behest of DISIP and a high level official of the Venezuelan government.

On December 11, 2007, Moises Maionica and Franklin Duran met with Antonini at Bravo Restaurant in Ft. Lauderdale, Florida. During the meeting on December 11, 2007, Franklin Duran gave three documents to Antonini which were to be utilized in the cover-up regarding the true source and destination of approximately \$800,000 which was seized on August 4, 2007 in Buenos Aires, Argentina.

The aforementioned meetings and telephone conversations were recorded by the Federal Bureau of Investigation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 25, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ Thomas J. Mulvihill
Thomas J. Mulvihill
Assistant United States Attorney